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Ct. No. 04

Akd

F.M.A. 581 of 2022
CAN 1 of 2022

Mr. Sonjay Mallik
Vs.
Susmita Maity (Jana) & Ors.

Mr. Prantick Ghosh,
Mr. Siddhartha Sarkar.

... for the appellant.

Mr. Sujit Banerjee,
Mr. Nilay Sengupta.

... for the respondent no. 1.

The respondent no. 1 was appointed as Headmistress of Chaksahapur Primary School, Debra East Circle, Paschim Medinipur and discharging her duties in such capacity. However by way of a stopgap measure and for some administrative exigencies she was requested to temporarily serve in Paramhansa Part Basic Primary School as Headmistress. Subsequently she has been reverted back to her parent school as Headmistress by an order of the Sub-Inspector of Schools dated 27th December, 2021.

Astonishingly the respondent no. 1, who went to join her parent school, was prevented from joining the said school by the Panchayat Members and the School President.

The respondent no. 1 approached this Court by filing a writ petition seeking direction upon the authorities not to put any fetter in complying with the order of the Sub-Inspector of Schools. In course of hearing the learned Advocate appearing for the State, on instruction, candidly submitted that the writ petitioner, in fact, went to join the said parent school but was restrained by some local peoples. The said incident was reported to the concerned Sub-Inspector of Schools as well as the Chairman of the District Primary School Council, but there was no response to it; rather the learned Advocate

representing the District Primary School Council, Paschim Medinipur, unequivocally submitted that the petitioner was reverted to her parent school but was obstructed by some outsiders and prevented to enter into the school; as a resultant effect she could not join her parent school.

The Single Bench directed the concerned authority including the Officer-in-Charge of the local police station to render assistance and help to the writ petitioner/respondent no. 1 so that she can go and join her parent school in terms of the order of the Sub-Inspector of Schools dated 27th December, 2021.

Interestingly the Panchayat Member as well as the School President has filed the instant appeal challenging the said order on various grounds, which are neither tenable in law nor can be supported on the anvil of law. The Sub-Inspector of Schools or the District Primary School Council is the competent authority to pass an order for transfer or reversion to parent school and, therefore, any dutiful citizen cannot take the law in his own hand nor can bend the law by taking a circuitous route.

Once the competent authority has reverted the respondent no. 1 to her parent school as Headmistress, if any obstruction is caused at the behest of a member of the Panchayat or on his instigation by the locals, it is the duty of the Court to see that the law is respected and obeyed in full rigor and spirit.

It is really unfortunate that the Panchayat member was instigating or provoking several members of the locality and causing disturbance and obstruction in due implementation of the order passed by the competent authority.

We thus do not find any ground warranting interference in the impugned order.

Now we have been informed that the respondent no. 1 has already joined the said school and, therefore, no further order is required to be passed in this regard except that the appeal sans merit and is hereby dismissed.

(Harish Tandon, J.)

(Rabindranath Samanta, J.)